REMARKS

Claims 1, 4-25, and 27-36 are pending in the application. Claims 1, 5, and 25 are amended herein. Claims 2, 3, and 26 are cancelled herein without prejudice. In view of the foregoing amendments and remarks, applicant believes that all of the claims are in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**."

REJECTIONS UNDER 35 USC § 102(b)

In paragraph 2 of the office action, the examiner rejected claims 1-5 and 25-27 under 35 USC 102(b) as being anticipated by Carney.

In response, applicant has amended claim 1 to include the limitations of claims 2 and 3, and has amended claims 4 and 5 to render them independent. Also, applicant has amended claim 25 to include additional limitations and has cancelled claim 26.

As set forth in amended claim 1, the present invention is directed to a computer-implemented method of managing a call

center, wherein call center resource data is organized by function into a plurality of resource categories, and wherein said resource categories include inbound dialed number identification service (DNIS), queues, agent workgroups, individual agents, campaigns, and call tables.

By contrast, Carney teaches a system and method for assigning and reassigning call center agents and supervisors to workgroups, as well as for viewing statistics concerning the performance of the agents. Carney contains absolutely no teaching concerning managing any call center resource other than the agents and supervisors.

In rejecting claim 3, the examiner stated, in conclusory fashion, that Carney, at col. 1, line 57 through col. 2, line 13, teaches the managing of resource categories including inbound dialed number identification service (DNIS), queues, agent workgroups, individual agents, campaigns, and call tables. However, the cited portion of Carney appears to bear no relationship whatsoever to the teachings for which the examiner has cited it. Applicant respectfully requests that the examiner provide some explanation of how she believes the cited portion (or any other portion) of Carney teach the relevant claim limitations.

Meanwhile, Applicant submits that, simply put, there is no such teaching or suggestion anywhere in Carney, let alone in the portion of Carney cited by the examiner.

As a result, Carney does not anticipate claim 1 as amended. Moreover, since Carney is exclusively focused on managing call center agents and their supervisors by creating and modifying workgroups, nothing in Carney even remotely teaches or suggests a method for managing a plurality of resource data organized by function into a plurality of resource categories wherein such categories include inbound dialed number identification service (DNIS), queues, agent workgroups, individual agents, campaigns, and call tables.

Accordingly, applicant submits that the rejection of claim 1, which is now identical to original claim 3, has been overcome and should be withdraw. Moreover, since claim 4 depends from claim 1, the rejection of claim 4 under 35 USC 102(b) has likewise been overcome and should be withdrawn.

Claim 5, which is amended to be an independent claim, includes the step of using the relationship key field to control defining of call center strategies. Again, without explanation, the examiner argues that Carney teaches this element at col. 4,

lines 28-34. Defining a call center strategy involves defining a trigger threshold and a corresponding action that is automatically executed if the threshold is reached (see, e.g., specification at pages 11-12). The specific portion of Carney cited by the examiner merely provides that a supervisor can modify a workgroup. The action is not automated, nor is it necessarily even in response to any particular event that might serve as a threshold. Simply put, while Carney does teach that a supervisor may observe agent performance statistics and modify workgroups, Carney contains no teaching or suggestion whatsoever concerning creating "strategies" that will automatically modify workgroups, or any other resource, in response to some threshold event.

Accordingly, the rejection of claim 5 under 35 USC 102(b) has been over come and should be withdrawn.

Claim 25, as amended, is directed to a call center resource relationship management system, wherein resources are organized into resource functional categories including agents, agent workgroups, devices, queues, applications, campaigns and call tables. For the reasons set forth above with respect to claim 1, Carney does not teach or suggest a system for managing call center resources other than agents, supervisors and their corresponding

workgroups.

Accordingly, the rejection of claim 25 under 35 USC 102(b) has been overcome and should be withdrawn. Moreover, since claim 27 depends from claim 25, the rejection of claim 27 under 35 USC 102(b) has likewise been overcome and should be withdrawn.

REJECTIONS UNDER 35 USC § 103(a)

In paragraph 4 of the office action, the examiner rejected claims 6-12, 14-19 and 28-36 under 35 USC 103(a) as being unpatentable in view of Carney. In addition, in paragraph 5 of the office action, the examiner rejected claims 13 and 20-24 under 35 USC 103(a) as being unpatentable over Carney in view of Cambray et al.

At a minimum, the rejections of claims 14-19 as being unpatentable over Carney are defective, since, by the examiner's own reasoning and admission Carney does not, by itself teach all the elements of claim 13, from which claims 14-19 depend. Thus, for this reason alone, the rejections of claims 14-19 under 35 USC 103(a) are improper and should be withdrawn. Moreover, even if the examiner had rejected claims 14-19 as being unpatentable over Carney in combination with Cambray et al., those rejections would

be deficient as well for the reasons set forth below.

Each of the rejections of claims 6-24 and 28-36 in view of Carney, and/or Carney in view of Cambray, follow a similar pattern. Namely, the examiner states in conclusory fashion, and without explanation, that certain portions of Carney, and/or Cambray) teach some, but not all, of the elements of each of claims 6-24 and 28-36. With respect to the elements not taught by Carney or Cambray, the examiner merely states, without any explanation, let alone evidentiary basis, that the missing elements are well known in the art and would have been obvious to add.

Applicant submits that these rejections are all improper and that the examiner has failed to make a *prima facie* case of obviousness of claims 6-24 and 28-36. With respect to what is required to state a *prima facie* case of obviousness, sections 2142-2144 of the MPEP provide in pertinent part:

> Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See **MPEP § 2143 - § 2143.03** for

decisions   pertinent   to   each   of   these
criteria. (MPEP 2142, emphasis added).

...

To establish _prima facie_ obviousness of a
claimed invention, all the claim limitations
must be taught or suggested by the prior art.
In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA
1974). "All words in a claim must be
considered in judging the patentability of
that claim against the prior art." _In re_
Wilson, 424 F.2d 1382, 1385, 165 USPQ 494,
496 (CCPA 1970). (MPEP 2143.03, emphasis
added).

...

With respect to relying upon "official notice," the MPEP

provides that "The examiner may take official notice of facts

outside of the record which are capable of <u>instant and</u>

<u>unquestionable demonstration</u> as being 'well known' in the art."

(MPEP 2144.03, emphasis added).   However, the MPEP also provides

that "if the applicant traverses such an assertion the examiner

should cite a reference in support of his or her position." (Id.)

Moreover, the MPEP provides:

> _In re Ahlert_, 424 F.2d 1088, 1091, 165
> USPQ 418, 420-421 (CCPA 1970) ("<u>[A]ssertions</u>
> <u>of technical facts in areas of esoteric</u>
> <u>technology must always be supported by</u>
> <u>citation of some reference work</u>" and
> "allegations concerning specific 'knowledge'
> of the prior art, which might be peculiar to
> a particular art should also be supported."
> Furthermore the applicant must be given the

opportunity to challenge the correctness of such assertions and allegations. "<u>The facts so noticed serve to 'fill the gaps' which might exist in the evidentiary showing</u>" and <u>should not comprise the principle evidence upon which a rejection</u> is based.) (Id.)

By merely reiterating the claim elements and then stating in conclusory fashion that those elements are "well known," the examiner has clearly failed to meet the standards for a *prima facie* case of obviousness for all of the rejections of claims 6-24 and 28-36. To the extent the examiner is relying on "common knowledge" in rejecting claims 6-24 and 28-36, applicant traverses those claims of common knowledge and calls upon the examiner to more specifically identify what facts are alleged to be common knowledge and further to provide evidence in support of such alleged common knowledge in the form of a citation to prior art references or in the form of an affidavit. Applicant submits that the cited elements are not well known in the art, let alone "notoriously" well known. Moreover, applicant submits that the examiner has attempted to take "official notice" of substantial portions of each of claims 6-24 and 28-36. This is hardly the kind of *de minimis* gaps in the record for a showing of obviousness that "official notice" is intended to fill.

Accordingly, since the examiner has failed to state a *prima facie* case of obviousness of claims 6-24 and 28-36, applicant submits that the rejections of claims 6-24 and 28-36 are improper and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, applicant submits that all of the pending claims are in condition for allowance and requests early and favorable action on the merits. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

Anderson et al.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 5, and 15 have been amended as follows:

1.   (Amended)   A computer-implemented method of managing a call center using relationships, said call center including a plurality of resources for handling telephone calls and communication contacts, said method comprising:

establishing call center resource data corresponding to said plurality of resources available within said call center;

presenting to a user said plurality of resources defined by said resource data;

receiving user selections of selected resources from said plurality of resources presented to said user;

assigning said selected resources to a relationship profile;

assigning a relationship key field corresponding to said relationship profile to said call center resource data for each of said selected resources assigned to said relationship profile; [and]

using said relationship key field to manage said call center; added claim wherein said call center resource data is organized by

function into a plurality of resource categories, further including the steps of:

presenting to said user said plurality of resource categories; and

receiving a user selection of a selected resource category, wherein said plurality of resources within said selected resource category are presented for selection by said user; and

alled claim 3 wherein said plurality of resource categories include inbound dialed number identification service (DNIS), queues, agent workgroups, individual agents, campaigns, and call tables.

5.   (Amended) A computer-implemented method of managing a call center using relationships, said call center including a plurality of resources for handling telephone calls and communication contacts, said method comprising:

establishing call center resource data corresponding to said plurality of resources available within said call center;

presenting to a user said plurality of resources defined by said resource data;

receiving user selections of selected resources from said plurality of resources presented to said user;

____ assigning said selected resources to a relationship profile;

____ assigning a relationship key field corresponding to said relationship profile to said call center resource data for each of said selected resources assigned to said relationship profile; and

____ using said relationship key field to manage said call center;

[The method of claim 1] wherein said relationship key field is used to control defining of call center strategies.

25. (Amended) A call center resource relationship management system for use in a call center, said call center including a plurality of resources used for handling telephone calls, said system comprising:

call center resource data defining a plurality of call center resources in said call center; and

a relationship manager, responsive to a user input, for accessing said call center resource data, for creating a graphical user interface presenting said call center resources defined by said call center resource data to said user, for assigning user-selected resources to a relationship profile, and for associating a relationship key field to said call center resource data corresponding to each of said user-selected resources;

wherein said resources are organized into resource functional categories including agents, agent workgroups, devices, queues, applications, campaigns, and call tables.